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10/567,915	10/31/2006	Gerard Bradley	1022702-000294	7330
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EXAMINER THOMAS, JAISON P				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com

Office Action Summary

Application No.

10/567,915

Applicant(s)

BRADLEY ET AL.

Examiner

Jaision P. Thomas

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2010 and 22 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) 33-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date 6/3/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to amendments filed on 6/3/2010 and 6/22/2010.
2. Claims 20-39 are pending. Claims 20, 28 and 31 are amended. Claims 33-39 are withdrawn. The Examiner notes that Claim 20 has been amended, however, the current set of claims has not been marked as such. For purposes of examination, Claim 20 will be treated as amended.
3. The Examiner notes that the Office Action Summary and Index of Claims dated 2/3/2010 indicate that Claim 27 was rejected in the Non-Final Rejection of the same date. This is incorrect and the correct status of the claim should have been withdrawn per the Response to Election/Restriction dated 10/21/2009. However, the election of species requirement between Claims 27 and 28 detailed in the Response to Election/Restriction dated 10/1/2009 is withdrawn and examined in view of Applicants' amendments.
4. The rejection of Claim 28 under 35 USC 112, second paragraph as being indefinite is withdrawn in view of Applicants' amendments to the claims.
5. The rejections of Claims 20-26, 31 and 32 under 35 USC 102(b) as anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over Bastiaens et al. (US Patent App.

Pub. No. 2003/0092824) are withdrawn in view of Applicant's amendments.

6. The rejections of Claims 20-26 and 31 under 35 USC 102(b) as anticipated by Gueret et al. (US Patent 4549559) are withdrawn in view of Applicants' remarks.

7. Claims 20-26 and 28-31 **stand rejected** under 35 USC 103(a) as being obvious over Gueret et al. (US Patent 4549559).

8. Claims 20-26 and 28-32 **stand rejected** under 35 USC 103(a) as being obvious over Bouilloux et al. (US Patent 6025055).

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation of Claim 26 does not further limit the independent claim.

Response to Arguments

11. Applicant's arguments filed 6/3/2010 have been fully considered but they are not persuasive.

103 rejections over Gueret et al.

With respect to the rejections over Gueret et al., the Applicants contend that the reference does not teach 1 to 30 % of polyetheramide in the polyamide matrix. Additionally, the Applicants contend unexpected results and cite Table 1 in the Specification illustrating said results in order to overcome the 103 rejection. Additionally, with respect to the rejections of Claims 28-30, the Applicants contend it would not have been obvious to optimize the prior art structures to achieve the polyetheramide of Claim 28 as structural elements are not result effective variables.

With respect to the specific weight ranges required by Claim 20, the Examiner respectfully submits that the prior art does teach ranges of the amount of plasticizer and conductive filler in the composition. Considering these ranges, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the weight ranges of plasticizer and conductive filler of Gueret et al. through routine experimentation for best results. Calculating the amounts of plasticizer and conductive

filler in the composition relative to the total amount of each component in the composition would effectively result in lower weight ranges than those disclosed in the reference which the Examiner contends would still fall within the claimed ranges of Claim 20 depending on the amounts of the components selected. For example, if 1 kg of Rilsan resin is used, and as the reference states on Col. 3, lines 24, the composition contains Pebax at 25 wt % of the Rilsan, this would yield 0.25 kg of Pebax. Additionally, in Claim 1 (Col. 4, lines 66-68), the reference states the composition contains 3 to 20 wt % of carbon filler in relation to the total amount of Rilsan and Pebax (1.25 kg). If for example, the amount is 10 wt % of the total amount of Rilsan and Pebax, this would yield 0.125 kg of carbon filler ($0.10 \times 1.25 \text{ kg} = 0.125 \text{ kg}$). Thus the total weight of the composition is 1.375 kg wherein the conductive filler comprises approximately 9 wt % of the composition ($0.125/1.375 \times 100\%$) and 18 wt % of Pebax ($0.25/1.375 \times 100\%$). Both values fall within the claimed ranges.

With respect to the unexpected results, the Examiner respectfully disagrees and notes that the showing in the prior art, limited to a specific polyetheramide and carbon black filler at specific amounts, is not commensurate in scope with the instant independent claim which is not limited to any

specific polyetheramide or conductive filler and broader or open ended weight ranges respectively.

With respect to the rejections of the structures in Claim 28-30, the Examiner notes the attached STN Chemical Registry entry with respect to "Pebax 4011" which is disclosed as an example resin in Col. 3, line 46. Specifically, the resin is made of ring opened caprolactam and ethylene oxide co-monomers thus the Examiner concludes that structures disclosed would still read on the limitations of Claims 28-30.

103 rejections over Bouilloux et al.

With respect to the rejections over Bouilloux et al., the Applicants contend unexpected results and cite Table 1 in the Specification illustrating said results in order to overcome the 103 rejection.

The Examiner respectfully disagrees and notes that the showing in the prior art, limited to a specific polyetheramide and carbon black filler, is not commensurate in scope with the instant independent claim which is not limited to any specific polyetheramide or conductive filler.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 20-26,31 and 32 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bussi et al. (US Patent 6506830).

Bussi et al. teaches antistatic polyamide compositions containing polyamide and carbon black (Abstract). Examples 2 and 3 in Table 1 show compositions containing polyamide, sulfonamide plasticizer, block copolymer of polyetheramide and carbon black with amounts falling within the claimed limitations (Table 1, Col. 7).

With respect to the limitations of Claims 21 and 22, the Examiner respectfully states that the prior art would inherently possess the claimed limitations as the prior art and instantly claimed compositions use similar or identical components in a similar or identical manner. The reference specifically or inherently meets each of the claimed limitations.

The reference is anticipatory.

Alternatively, any modification of the prior art to meet the instantly claimed limitations, such as the limitations of Claims 21 and 22, would be within the level of the ordinarily skilled artisan and would not patentably distinguish the claims over the prior art.

15. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bouilloux et al. (US Patent 6025055).

Bouilloux et al. is relied upon as discussed above and in the Non-Final Rejection 2/3/2010. The Examiner notes that Bouilloux et al. further teaches an aminoundecanoic acid ("Amino 11") in Examples C and D of Table 2 which the Examiner construes as equivalent to a primary amine of Claim 27.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P.

Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 9:30 am to 6:00 pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. P. T./
Examiner, Art Unit 1796

/Mark Kopec/
Primary Examiner, Art Unit
1796